



March 25, 2019

Eraina Ortega, Director
CalHR
1515 S Street, North Building, Suite 500
Sacramento, CA 95814

Dear Ms. Ortega:

Pursuant to Section 3523 of the Dills Act, the following is the initial meet and confer proposal of the California Association of Psychiatric Technicians for a successor agreement to the Bargaining Unit 18 agreement that expires July 1, 2019.

To simplify the presentation, we are first listing Part 1 which includes those sections of the agreement for which CAPT proposes to roll over existing language with no changes. After that, we list Part 2 which covers our proposals for change, including – *but not limited to* – certain specific areas. Part 3 introduces new provisions.

Part 1 – No Changes Proposed by CAPT

Preamble

Article 1 – General Provisions

Article 2 – Psychiatric Technician Provisions

- 2.2 Psychiatric Technician Career Ladder
- 2.3 Professional Practice Groups (PPGs)

Article 3 – Management Rights

Article 4 – Wages

- 4.1 Salary Definitions
- 4.7 Rate on Reinstatement after Separation
- 4.8 Semi-Monthly Pay
- 4.10 401K Plan
- 4.11 Overpayment/Payroll Errors
- 4.12 Blood Withdrawal Certification

Article 5 – Hours of Work and Overtime

- 5.3 Call Back Time – *Intentionally Omitted*
- 5.5 Meal Periods
- 5.6 Days Off Cycles
- 5.8 Compensable Travel Time
- 5.9 Excess Time
- 5.10 Mixed Shifts
- 5.13 Voluntary Overtime – CDCR and CCHCS – *Intentionally Omitted and Incorporated into Article 5.1, Overtime*

Article 6 – Leaves and Holidays

- 6.3 Annual Leave
- 6.5 Maternal, Parental, Adoption Leave
- 6.8 Release Time for State Civil Service Examinations
- 6.9 Catastrophic Leave (Work and Family Program Assistance)
- 6.10 Catastrophic Leave (Natural Disaster)
- 6.11 Personal Leave
- 6.12 Unpaid Leave of Absence
- 6.15 Furlough and PLP Programs
- 6.16 Organ or Bone Marrow Donation
- 6.17 Paid Time Off: Precinct Election Board
- 6.18 Vacation/Annual Leave Cash Out

Article 7 – Benefits

- 7.2 Pre-Tax of Health/Dental Premiums Costs
- 7.3 Joint Labor/Management Benefits Committee
- 7.4 Flexible Benefit (FlexElect) Program
- 7.5 Continuation of Flexible Benefits Election
- 7.6 Non-Industrial Disability Insurance (NDI)
- 7.7 Enhanced Non-Industrial Disability Insurance (ENDI) – Annual Leave
- 7.8 Industrial Disability Leave (IDL)
- 7.11 Business, Travel and Relocation Policy and Reimbursements
- 7.12 Client Escort Reimbursement
- 7.13 Replacement of Damaged Personal Clothing and/or Articles
- 7.15 State-Owned Housing Rental Rates
- 7.18 Transportation Incentives and Parking Rates
- 7.19 Long-Term Care Insurance Plan
- 7.20 Legal Service Plan

Article 8 – Retirement Provisions

- 8.1 Second Tier Retirement Plan
- 8.2 Sick Leave Credit Upon Retirement
- 8.3 Survivors' Benefits
- 8.4 Tax Treatment of Employee Retirement Contributions

- 8.5 Items Excluded from Compensation for Retirement Purposes
- 8.6 First Tier A Retirement Formula (2% at age 55), First Tier B Retirement Formula (2% at age 60) and Public Employees' Pension Reform Act (PEPRA), First Tier Retirement Formula (2% at age 62)/Employee Contribution/Final Compensation
- 8.8 First Tier Retirement Eligibility for Employees in Second Tier Retirement
- 8.10 Public Employees' Pension Reform Act of 2013 (PEPRA)
- 8.11 Preretirement – Alternate Death Benefit

Article 9 – Working Conditions

- 9.1 Layoff and Reemployment
- 9.3 Seniority
- 9.6 Out-of-Class Work
- 9.7 Classification Changes
- 9.8 Adverse Actions
- 9.10 Facility Transfer
- 9.12 Request for Reinstatement after AWOL Separation

Article 10 – Health and Safety

- 10.1 Health and Safety
- 10.2 Infectious Disease
- 10.3 Nursing Stations
- 10.7 Employee Assistance Program
- 10.9 Substance Abuse
- 10.10 Workplace Violence Prevention
- 10.11 Safety Equipment
- 10.13 Incident Debriefing

Article 11 – Committees

- 11.1 Joint Apprenticeship
- 11.2 Labor/Management
- 11.3 Work and Family Programs – *Intentionally Omitted*
- 11.4 Labor/Management Committee on Forensic Safety

Article 12 – Representation and Association Provisions

- 12.8 Association Leave Without Pay
- 12.9 Release from Duty (State Officers)
- 12.10 Release from Duty/Reduced Work Time, CAPT Chapter Officers

Article 13 – Grievance and Arbitration Procedure

- 13.2 Complaint Procedure
- 13.3 Individual Agreement

Article 14 – Entire Agreement and Duration

14.1 Entire Agreement

14.4 Continuous Appropriation

Article 15 – Retiree Health and Dental Benefits

**Appendix C – Government Code Sections incorporated into the Agreement pursuant to Supersession
Section 1.7**

Appendix D – Sponsorship

Appendix E – Sample Contract

Part 2 – Changes Proposed by CAPT

Article 2 – Psychiatric Technician Provisions

- 2.1 Professional Recognition and Rights -
CAPT proposes to negotiate improvements to this provision, defining employees' rights and representatives roles during and at the conclusion of an investigation. CAPT proposes to negotiate changes in the method and types of corrective counseling memorandums which may be issued to BU 18 members and other improvements.

Article 4 – Wages

- 4.2 Adjusted Pay Ranges -
CAPT proposes to negotiate fair and equitable wage increases that address cost of living, inequities and recruitment and retention.
- 4.3 Ranges –
CAPT proposes to negotiate an additional educational range. CAPT proposes to negotiate that all departments utilize the same ranges.
- 4.4 Merit Salary Adjustments –
CAPT proposes to negotiate changes to this provision.
- 4.5 Shift Differential Pay –
CAPT proposes to negotiate including these differentials as PERSable for the purposes of retirement compensation.
- 4.6 Bilingual Differential Pay –
CAPT proposes to expand eligibility for this provision. CAPT proposes to include requirements relative to departments' certification of bilingual differential pay.
- 4.9 Timely Payment of Wages –
CAPT proposes to negotiate changes to this provision.
- 4.13 Recruitment and Retention –
CAPT proposes to negotiate improvements to this provision.

Article 5 – Hours of Work and Overtime

- 5.1 Overtime –
CAPT proposes to negotiate changes to this provision that will continue to reduce mandatory overtime and other improvements.
- 5.2 Show-up time –
CAPT proposes to negotiate improvements to this provision.

- 5.4 Rest Periods –
CAPT proposes to negotiate compensation for employees who are not scheduled for rest periods. CAPT proposes to make this provision arbitrable.
- 5.7 Exchange of Days Off –
CAPT proposes to negotiate changes to this provision including expanding the period in which the exchange may take place.
- 5.11 Alternate Work Schedules –
CAPT proposes to negotiate changes to this provision, including expanding eligibility to participate and remove restrictions.
- 5.12 Report Preparation Time for Senior Psychiatric Technicians –
CAPT proposes to negotiate extending this provision to Psychiatric Technicians.

Article 6 – Leaves and Holidays

- 6.1 Holidays –
CAPT proposes to negotiate improvements to this provision including increasing the number of premium holidays.
- 6.2 Vacation Leave –
CAPT proposes to negotiate improvements to this provision relative to accrual, scheduling of vacation/ad hoc time off, vacation calendars and managements' responsibilities.
- 6.4 Sick Leave –
CAPT proposes to negotiate changes to this provision.
- 6.6 Bereavement Leave –
CAPT proposes to negotiate changes to this provision.
- 6.7 Jury Duty –
CAPT proposes to negotiate changes to this provision.
- 6.13 Family and Medical Leave Act (FMLA) –
CAPT proposes to negotiate changes to this provision.
- 6.14 Work and Family Participation –
CAPT proposes to negotiate changes to this provision.

Article 7 – Benefits

- 7.1 Consolidated Benefits (CoBen) Program –
CAPT proposes that the State pick up any increase in the premiums for Health, Dental and Vision plans.

- 7.9 Enhanced Industrial Disability Leave (EIDL) –
CAPT proposes to negotiate changes to this provision.
- 7.10 Overtime Meal Allowance –
CAPT proposes to negotiate language to streamline this process.
- 7.14 License Renewal Fees –
CAPT proposes to negotiate language that addresses reimbursement and reflects the BVNPT's current "paperless" system.
- 7.16 Education and Training –
CAPT proposes to negotiate changes to this provision.
- 7.17 Continuing Education –
CAPT proposes to negotiate changes to this provision.

Article 8 – Retirement Provisions

- 8.7 State Safety A Retirement Formula (2.5% at age 55), State Safety B Retirement Formula (2% at age 55), and Public Employees' Pension Reform Act (PEPRA) Retirement Formula (2% at age 57)/Employees Contribution/Final Compensation –
CAPT proposes to negotiate changes to this provision including a Safety Retirement Study for BU 18 employees at Canyon Springs.
- 8.9 Industrial Disability Retirement –
CAPT proposes changes to this provision.

Article 9 – Working Conditions

- 9.2 Post and Bid –
CAPT proposes to negotiate improvements to this provision.
- 9.4 Staffing –
CAPT proposes to negotiate changes to this provision including establishing staffing minimums for unlicensed units in CDCR/CCHCS.
- 9.5 Personnel File –
CAPT proposes to negotiate changes to this provision.
- 9.9 Notice of Shift Change –
CAPT proposes to negotiate changes to this provision.
- 9.11 Performance Appraisal –
CAPT proposes to negotiate changes to this provision.

- 9.13 Psychiatric Technician Relief of Shift Supervisor –
CAPT proposes to negotiate a differential for Psychiatric Technicians performing Shift Supervisor duties.
- 9.14 Hardship Transfer –
CAPT proposes to negotiate improvements to this provision.

Article 10 – Health and Safety

- 10.4 Alarm Systems –
CAPT proposes to negotiate improvements to this provision.
- 10.5 Limited Duty –
CAPT proposes to negotiate improvements to this provision making the process more interactive.
- 10.6 Management of Assaultive Behavior –
CAPT proposes to negotiate changes to this provision in order to provide consistency.
- 10.8 Emergency Care –
CAPT proposes to negotiate changes to this provision.
- 10.12 Referral of Assault/Battery –
CAPT proposes to negotiate changes to this provision.
- 10.14 Duty Statements/Post Orders –
CAPT proposes to negotiate changes to this provision to reflect current practices and allow grievances to be elevated to the CalHR level.

Article 11 – Committees

- 11.5 CDCR – Use of Permanent Intermittents and Retired Annuitants –
CAPT proposes to negotiate improvements to this provision.

Article 12 – Representation and Association Provisions

- 12.1 CAPT Representation –
CAPT proposes to negotiate improvements to this provision.
- 12.2 Access –
CAPT proposes to negotiate changes to this provision.
- 12.3 Distribution of Literature –
CAPT proposes to negotiate changes to this provision.
- 12.4 Use of State Facilities –
CAPT proposes to negotiate changes to this provision.

- 12.5 Bulletin Boards –
CAPT proposes to negotiate changes to this provision.
- 12.6 Orientation –
CAPT proposes to negotiate changes to this provision.
- 12.7 Conferences and Schools –
CAPT proposes to negotiate changes to this provision.
- 12.11 Fair Share Fees and Dues Deductions –
CAPT proposes to negotiate changes to this provision.
- 12.12 Home Addresses –
CAPT proposes to negotiate changes to this provision.
- 12.13 Use of State Equipment –
CAPT proposes to negotiate changes to this provision.

Article 13 – Grievance and Arbitration Procedure

- 13.1 Grievance Procedure –
CAPT proposes to negotiate changes to this provision.
- 13.4 Expedited Arbitration –
CAPT proposes to negotiate expansion of this provision.

Article 14 – Entire Agreement and Duration

- 14.2 Duration –
CAPT proposes to negotiate the duration of this agreement.
- 14.3 No Mandated Reduction in Work Hours –
CAPT proposes to negotiate changes to this provision.

Side Letters –

CAPT proposes to include all relative side letters as a part of this agreement and place them under the appropriate provisions.

Part 3 – New Proposals

CAPT proposes to negotiate a weekend differential for BU 18 members.

CAPT proposes to negotiate a provision to address tardiness.

CAPT proposes to negotiate a provision to address video surveillance.